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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,842	08/31/2000	Eliana Peres	8673-110(8061-518 SJP/rs)	4412

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Frank Chau Esq  
F Chau & Associates LLP  
1900 Hempstead Turnpike  
Suite 501  
East Meadow, NY 11554

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/19/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/651,842

Applicant(s)

PERES, ELIANA

Examiner

DAVID Y. ENG

Art Unit

2155

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

The search report cited in IDS filed on 8/31/2000 has not been considered because search report is not prior art.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of all independent claims is not clear. It is not clear what "desired quality of service requirements", "quality of service management components", "a query of available service quality of resources" (see claim 8b for example) and "availability of said desired quality of service" (see claim 8d for example), etc. are. Function of the quality of service management components is not clear. Applicants are requested to review all the claims for similar defects.

The wherein clause of claim 1 is not understood. Relationship between pathway resource availability and desired quality of service requirements is not clear.

Scope of independent claims is not clear. It is not seen how they are related to determination of communications pathway resource availability.

In claim 8d, there is no antecedent basis for "said features". In claim 8e, there is no antecedent basis for "originating multimedia desktop device".

Claim 10 is vague and indefinite. It is not clear what alternative action is.

Claim 11 is not understood. It is not clear how call back is related to the determination recited in parent claim 8d.

In claim 12, step b is not understood. It is not clear why the communication server determines features while the request to it is to establish communication

Art Unit: 2155

between originator and destination device (see step a). Scope of claims 12-14 is not clear. It is not clear what the claims try to accomplish. There is no meaningful functional relationship between the steps.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Markowiz (USP 6,484,212).

See at least the abstract, Figure 1-10 and the corresponding description in Markowiz. Markowiz teaches method and system (see Figure 9) for management and control of multimedia communications resources comprising:

Communications pathway (pathway connecting server and user),

An originating multimedia computing device (media server or user),

One or more destination multimedia computing devices (media server or user),

One or more quality service management components (proxy server)

Wherein bandwidth is checked for availability by proxy server (see abstract and the flow chart in Figure 10).

The markowitz et al, the Moura et al (both '322 and '845) and the Hayter et al references are cited for the teaching of bandwidth allocation in communication between server and client. Applicants are invited to comment on those references.

  
DAVID Y. ENG  
PRIMARY EXAMINER